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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/082,248

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David D. Rowley

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/082,248	<b>Applicant(s)</b> ROWLEY ET AL.	
	<b>Examiner</b> KRISTIE D. SHINGLES	<b>Art Unit</b> 2441	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### **Response to Amendments**

Claims 1-26 have been cancelled.

Claims 27-46 are pending examination.

### **Response to Arguments**

- I. Applicant's arguments with respect to claim 27-46 have been considered but are moot in view of the new ground(s) of rejection.

### **Allowable Subject Matter**

- II. **Claim 41** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Claim 41** claims: *the system of claim 36, wherein the virtual machine launcher is operable to register configuration information and the course information with the course database, the configuration information including a unique identifier for the virtual machine launcher and a port number for the remote display server to accept session connections, the course information further including a list of courses associated with the virtual machine launcher.* The limitations of claim 41, including the limitations of the parent claim 36, are not expressly taught or disclosed by the prior art. Specifically, the prior art fails to explicitly teach “course information further including a list of courses associated with the virtual machine launcher”. Although the cited prior art teaches virtual machines associated with and launching the course information, the cited prior art fails to explicitly teach that maintained configuration information of the virtual machines includes a unique identifier for the virtual machine, a port number for the remote display server’s session and a list of courses associated with the virtual machine. For these reasons, the Examiner finds the language of claim 41 allowable over the prior art.

### **Claim Rejections - 35 USC § 102**

**III.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**IV. Claims 27-40 and 42-46 are rejected under 35 U.S.C. 102(e) as being anticipated by *Rowley et al* (US 6,941,105).**

a. **Per claims 27, 36 and 42** (differ only by statutory subject matter), *Rowley et al* teach a computer implemented method for enabling a plurality of users to remotely perform one or more respective exercises using the plurality of respective client systems, the method comprising:

- storing in a course database course information including a list of exercises, and for a given exercise one or more virtual machines associated with the exercise (*Abstract, col.1 line 47-col.2 line 20, col.4 lines 30-35—database stores course information with lists of exercises and associated virtual machine*);
- receiving a request to connect to a remote server from at least one user (*Abstract, col.2 lines 61-65*);
- accessing the course database to determine one or more courses associated with the user (*col.2 lines 65-67*);
- transmitting a list of courses associated with the user to the respective client system associated with the user (*col.2 line 67-col.3 line 5, col.6 lines 35-52*);
- receiving a selection of at least one of the courses in the course list from the user (*col.2 line 41, col.3 lines 1-2*);
- accessing the course database to determine the one or more exercises associated with the selected course (*col.3 lines 3-5, col.6 lines 35-41*);
- transmitting a list of exercises, associated with the selected course to the respective client system associated with the user (*col.6 lines 40-41 and 59-67*);
- receiving a selection of at least one of the exercises in the transmitted exercise list from the user (*Abstract, col.3 lines 1-13*);
- accessing the course database to determine at least one virtual machine associated with the selected exercise (*Abstract, col.1 line 63-col.2 line 4*);

- launching the virtual machine associated with the selected exercise, wherein the launched virtual machine generates a user interface for performing the selected exercise (*Abstract, col.1 lines 49-62*); and
- transmitting a view of the user interface to the respective client system associated with the user, wherein the user performs the selected exercise by remotely interacting with the virtual machine via the view of the user interface (*Abstract, col.5 line 52-col.6 line 31, col.6 line 59-col.7 line 11, col.7 lines 16-20*).

Although *Rowley et al* fail to explicitly teach the accessing, transmitting, receiving and launching features are made remotely, it is inherent that these steps are performed on separate remote machines. The mere fact that the course material is stored onto a server/virtual machine and accessed by the user at a another machine that loads the course data from the server/virtual machine (*col.5 lines 16-65*), implies that the loading and accessing of the course data is done "remotely".

b. **Claims 32 and 46** contains limitations that are substantially similar to claims 27, 36 and 42 and are therefore rejected under the same basis.

c. **Per claim 28**, *Rowley et al* teach the method of claim 27, as applied above, and further teaches a client system that displays the course and exercise information transmitted from the exercise loader module (*col.1 lines 49-62, col.3 lines 1-16*). The client system comprising a web browser and a viewer application for displaying the view of the user interface is inherent in a network communications where a client has a connection to the Internet and a monitor for displaying content on a graphical user interface.

d. **Per claim 29**, *Rowley et al* teach the method of claim 27, further comprising: transmitting, by a remote system, a page to the client system, the page including at least one selectable user interface element associated with the launched virtual machine; and receiving a selection of the at least one user interface element from the user (*Abstract, col.5 line 52-col.6 line 31, col.6 line 59-col.7 line 11, col.7 lines 16-20*).

e. **Claims 33, 39 and 43** are substantially similar to claim 29 and are therefore rejected under the same basis.

f. **Per claim 30**, *Rowley et al* teach the method of claim 29, further comprising generating the view of the user interface in response to receiving the selection of the user interface element (*Abstract, col.5 line 52-col.6 line 31, col.6 line 59-col.7 line 11, col.7 lines 16-20*).

g. **Claims 34 and 44** are substantially similar to claim 30 and are therefore rejected under the same basis

h. **Per claim 31**, *Rowley et al* teach the method of claim 27, further comprising launching a remote display server to handle a session with a viewer application at the client system, the viewer application displaying the view of the user interface to the user, the remote display server refreshing the view in response to the user interacting with the view of the user interface during the session (*col.4 line 5-col.5 line 15*).

i. **Claims 35 and 45** are substantially equivalent to claim 31 and are therefore rejected under the same basis.

j. **Per claim 37**, *Rowley et al* teach the system of claim 36, wherein the virtual machine launcher runs on the selected computer system onto which the selected course is installed (*col.5 line 43-col.6 line 48*).

k. **Per claim 38**, *Rowley et al* teach the system of claim 36, wherein the system is further operable to access the course database to determine the virtual machine associated with the selected course (*col.5 lines 26-40, col.6 lines 1-18*).

l. **Claim 40** is substantially similar to claims 30 and 31 and is therefore rejected under the same basis.

#### Conclusion

V. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure: Lee et al (6064856), Slattery et al (6514085), Denious et al (6622003), Allison (6546230), Wessner et al (7369808), Ziv-el et al (6898411), Helmick et al (6678500), Strub et al (6652287), Tanaka et al (5553291).

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIE D. SHINGLES whose telephone number is (571)272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2441

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Kristie D. Shingles***  
***Examiner***  
***Art Unit 2441***

***/KDS/***  
***/William C. Vaughn, Jr./***  
***Supervisory Patent Examiner, Art Unit 2444***